IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4572 OF 2006

Balkrishna Janu Raut ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. R.D. Suryawanshi for applicant.
Ms. R.M. Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 10, 2007.

P.C.:

1. Heard Mr.Suryawanshi the learned counsel for the applicant and the learned APP. Perused the investigation papers as well as the order passed by the 2nd Ad-hoc Additional Sessions Judge at Kalyan on 28/11/2006 rejecting the prayer for anticipatory bail of the present applicant.

2. The applicant is one of the accused in Crime No.1176 of 2006 for the offences punishable under Sections 326, 143, 147, 149, 452, 504 and 506 of IPC. It appears that subsequently the complaint has been amended so as to include offences punishable under

Sections 307, 324 and 306 of IPC.

3. I have seen the medical certificate which described the injuries sustained by the victim. The statements recorded of the eye witnesses and the FIR contradict each other on the role attributed to the present applicant while attacking the victim i.e. Gurunath Anant Gharat. The applicant is in Government service and it is not known what steps the police have taken to interrogate him for proceeding with the investigations from the day his anticipatory bail application was rejected i.e. 28/11/2006. A precious statement is made that he was not attending to his office duty and, therefore, was not available for interrogation.

4. Having regard to the record of investigation as of now, I am satisfied that the applicant is not required to be taken in custody for interrogation and he being the Government servant, he shall be available as and when required.

5. Hence the application is allowed and it is

directed that in the event of his arrest in connection with C.R. No.I-176 of 2006 registered with Murbad Police Station, the applicant shall be released on bail by furnishing PR bond of Rs.5000/- with one surety for the equal amount and subject to his reporting to the Murbad Police Station every day between 5 p.m. to 7 p.m. till the investigation is completed.

(B.H. Marlapalle,J.)